

United States District Court Southern District of Texas
United States Courts
Southern District of Texas
FILED

Brittany Dugas

JUL 31 2024

Versus

Nathan Ochsner, Clerk of Court

Laboratory Corporation of America

Employment Discrimination Complaint

1. This action is brought under Section 1981 for employment discrimination.
2. The Plaintiff is Brittany Dugas 17761 Lion heart Rd Conroe Tx 77306
3. The Defendant is Laboratory Corporation of America 531 South springs Street Burlington, North Carolina 27215
4. The plaintiff has attached to the complaint a copy of the charges filed on March 03, 2023 with the Equal Opportunity Commission.
5. On the date of May 16, 2024 the plaintiff received a Notice of Right to sue letter issued by the Equal Employment Opportunity commission; a copy is attached
6. Because the plaintiff Race, Retaliation, Wrongful Termination. The defendant has terminated the plaintiff's employment
7. When and how the defendant has discrimination against the plaintiff: I began my employment in or about February 2017, I held the position of Phlebotomist (Floater) and I reported to Alex Squires, White Supervisor and Sue Aaron, White Manager. In or about 2020 a patient referred to me a nig***. I immediately reported the incident to Ms. Squires who refused to take action, on the contrary, I was forced to go to the back while another phlebotomist attended the patient. In or about October 2021, Sheena Harris referred to me as a "motherfucker." I again reported the incident however no action was taken. In July 22, 2023 I felt Alex Squires (Supervisor) was discriminating against me because I has asked her for a year to let me stop floating. She informed me there was hfi (willowbrook) location that was open and that it is mine but she gave it to someone. My proof from this conversation is in a text message. December 9, 2020 I received a text message from my supervisor to reuse hub. Hub is a single used item on patient's I informed my supervisor that I was not comfortable reusing hub on patient's because it goes against patient care (also have pictures of location reusing hub.) I feel this is when all of the retaliation stated against me because I spoke up about wrongdoing at the work place.
8. The plaintiff request that the defendant be ordered to repay for wrongful termination, race and retaliation

Brittany Dugas
17761 Lion heart Rd
Conroe TX 77306
832-767-7773

EEOC Form 5 (11/09)

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| AMENDED CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form. | | Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> EEOC 460-2023-03456 </div> <div style="display: flex; justify-content: space-between;"> FEPA </div> | |
| Texas Workforce Commission Civil Rights Division | | and EEOC | |
| State or local Agency, if any | | | |

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|--|---|---------------|
| Name (indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev.) Brittany Dugas | Home Phone 832-767-7773 | Year of Birth |
| Street Address 17761 lion heart rd CONROE, TX 77306 | | |
| Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) | | |
| Name Laboratory corporation of America | No. Employees, Members 15 - 100 Employees | Phone No. |
| Street Address 13215 DOTSON RD HOUSTON, TX 77070 | | |
| Name | No. Employees, Members | Phone No. |
| Street Address City, State and ZIP Code | | |

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| DISCRIMINATION BASED ON Race, Retaliation | DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> Earliest 03/09/2023 Latest 03/09/2023 </div> |
|---|--|

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):
 I began my employment in or about February 2017; I held the position of Phlebotomist (Floater) and I reported to Alex Squires, White, Supervisor and Sue Aaron, White, Manager. In or about 2020, a patient referred to me as a "nig***." I immediately reported the incident to Ms. Squires who refused to take action, on the contrary, I was forced to go to the back while another Phlebotomist attended the patient. In or about October 2021, Sheena Harris referred to me as a "motherfucker." I again reported the incident however no action was taken. In July 22 2023 I felt Alex squires (supervisor) was discriminating against me because I had asked her for a year to let me stop floating. She informed me there was a hfi (willowbrook) location that was open and that it is mine but she gave it to someone. My proof from this conversation is in a text message. December 9 2020 I received a text message from my supervisor to reuse hub. Hub is a single used item on patient's. I informed my supervisor that I was not comfortable reusing hub on patient's because it goes against patient care. I feel this is when all of the retaliation started against me because I spoke up about wrongdoing at the work place.

| | |
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| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct. <div style="text-align: center;"> Digitally Signed By: Brittany Dugas 05/09/2024 </div> <div style="text-align: center; margin-top: 20px;"> <i>Charging Party Signature</i> </div> | NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) |
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EEOC Form 5 (11/09)

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|--|---|
| <p align="center">AMENDED CHARGE OF DISCRIMINATION</p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p> | <p>Charge Presented To: Agency(ies) Charge No(s):</p> <p align="center">EEOC 460-2023-03456</p> <p align="center">FEPA</p> |
| <p>Texas Workforce Commission Civil Rights Division and EEOC</p> <hr/> <p><i>State or local Agency, if any</i></p> | |

On or about March 2023, Keisha Lane, Phlebotomist approached me stating she wanted to resolve a previous misunderstanding in which Ms. Lane believed I questioned why she was on light duty or sitting at the front desk. I made an "off the cuff" remark stating I was so upset I could have fought her, but I didn't. I thought we resolved any misunderstandings during the one-on-one conversation. On March 8, 2023, I was suspended by Ms. Squires and I was terminated on March 31, 2023, after being falsely accused of threatening Ms. Lane.

I believe I was discriminated against because of my race, Black and subjected to retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended.

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| <p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> | <p>NOTARY – When necessary for State and Local Agency Requirements</p> |
| <p>I declare under penalty of perjury that the above is true and correct.</p> <p>Digitally Signed By: Brittany Dugas</p> <p>05/09/2024</p> <p align="right"><i>Charging Party Signature</i></p> | <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p> |

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

Enclosure with EEOC Notice of Closure and Rights (01/22)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court **under Federal law**. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)*

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA, the ADEA, or the PWFA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA, the ADEA or the PWFA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice and within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a Freedom of Information Act (FOIA) request or 2) a "Section 83" request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your FOIA and/or Section 83 request for the charge file promptly to allow sufficient time for EEOC to respond and for your review.

To make a FOIA request for your charge file, submit your request online at <https://eeoc.arkcase.com/foia/portal/login> (this is the preferred method). You may also submit a FOIA request for your charge file by U.S. Mail by submitting a signed, written request identifying your request as a "FOIA Request" for Charge Number 460-2023-03456 to the

Enclosure with EEOC Notice of Closure and Rights (01/22)

District Director at Rayford O. Irvin, 1919 Smith Street 6th Floor, Houston, TX 77002.

To make a Section 83 request for your charge file, submit a signed written request stating it is a "Section 83 Request" for Charge Number 460-2023-03456 to the District Director at Rayford O. Irvin, 1919 Smith Street 6th Floor, Houston, TX 77002.

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA requests, go to <https://www.eeoc.gov/eeoc/foia/index.cfm>.

For more information on submitted Section 83 requests, go to <https://www.eeoc.gov/foia/section-83-disclosure-information-charge-files>.

Cc:

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Please retain this notice for your records.